

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
MEMPHIS DIVISION**

In Re:

Olla Jean Dixon,

Debtor(s)

CitiFinancial Servicing LLC

Movant,

V.

Olla Jean Dixon,

George W. Stevenson, Trustee

Respondent(s)

CASE NO: 15-28604-PJD

CHAPTER 13

JUDGE PAULETTE J. DELK

**MOTION FOR RELIEF FROM AUTOMATIC STAY REGARDING PROPERTY
LOCATED AT 496 N 5TH STREET, MEMPHIS, TENNESSEE 38105**

COMES NOW CitiFinancial Servicing LLC (hereinafter “Movant”), a secured creditor in the above-captioned case, by and through counsel, Brock & Scott, PLLC, and moves this Court to enter an order granting its request for relief from the automatic stay pursuant to 11 USC §362(a) on the following grounds:

1. On September 11, 2015, the Debtor, Olla Jean Dixon, filed a petition with the Bankruptcy Court for the Western District of Tennessee under Chapter 13 of Title 11 of the United States Code. George W. Stevenson of Memphis, Tennessee was appointed Trustee.

2. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 1334 and 157. This is a contested matter pursuant to Bankruptcy Rule 9014.

3. The Debtor holds title to the real property with an address of 496 N 5th Street, Memphis, Tennessee 38105 (hereinafter "Collateral") and described in that Deed of Trust attached hereto and is incorporated herein as Exhibit "A".

4. Movant holds a Promissory Note secured by the Deed of Trust from the Debtor in the original principal amount of \$21,494.39 and dated December 17, 2008 (hereinafter "Note"). A copy of the Note is attached hereto and incorporated herein as Exhibit "B".

5. The Debtor has scheduled the value of the Collateral at \$17,000.00.

6. Upon information and belief, the approximate payoff due and owing to Movant as of March 21, 2016 is \$18,031.23.

7. The Debtor has defaulted in the mortgage payments to be made outside of the plan. Upon information and belief, the amount of default, exclusive of fees and costs, is as follows:

5	payments @	\$	248.85	\$	1,244.25
	(10/15-2/16)				
	Total Delinquency			\$	1,244.25

8. As a result, Movant lacks adequate protection of its interest in the Collateral. By virtue of such lack of protection, good cause exists to lift the automatic stay imposed hereunder. Otherwise, Movant will suffer irreparable harm with respect to Movant's interest in the Collateral.

WHEREFORE, after notice and opportunity for hearing, Movant prays the Court as follows:

1. Modify the Automatic Stay of Section 362(a) of the Bankruptcy Code to permit Movant to enforce its security interest in the Collateral.

2. Modify Rule 4001(a)(3) of the Bankruptcy Code so that it is not applicable in this case and so Movant may immediately enforce and implement this order granting relief from the automatic stay.

3. In the event relief from the stay is granted, for a determination that the plan no longer provide for Movant's claim pursuant to 11 USC §1322(b)(5) such that further compliance with Rule 3002.1 is no longer necessary.

4. Movant specifically requests permission to communicate with the Debtor(s) and Debtor(s)' counsel to the extent necessary to comply with applicable non-bankruptcy law.

5. That Movant be entitled to recover its reasonable fees and expenses incurred in connection with seeking the relief requested in this Motion.

6. Grant Movant such other and further relief as the Court deems just and proper.

This 12th day of April, 2016.

/s/ Jeremiah McGuire
Jeremiah McGuire
Attorney for Movant
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Bar No. 028150

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing Motion for Relief from Automatic Stay has been electronically served or mailed, postage prepaid on April 12, 2016 to the following:

Olla Jean Dixon
498 North Fifth Street
Memphis, TN 38105

Herbert D. Hurst
Hurst Law Firm, P.A.
P.O. Box 41497
Memphis, TN 38174-1497

George W. Stevenson Chapter 13
5350 Poplar Avenue, Suite 500
Memphis, TN 38119-3697

This 12th day of April, 2016.

/s/ Jeremiah McGuire
Jeremiah McGuire